

Clarke County

Planning Commission
Regular Meeting Minutes
January 8, 2016



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Friday, January 8, 2016.

ATTENDANCE

George L. Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Robina Bouffault; Randy Buckley; Scott Kreider; Doug Kruhm; Frank Lee; Gwendolyn Malone; Cliff Nelson and Jon Turkel.

STAFF

Brandon Stidham, Planning Director; Ryan Fincham, Senior Planner/Zoning Administrator; and Alison Teetor, Natural Resource Planner.

CALLED TO ORDER

Brandon Stidham, as Clerk to the Commission, called the meeting to order at 9:00 a.m. and introduced the annual organizational meeting.

ELECTION OF CHAIR AND VICE CHAIR

Mr. Stidham opened the floor for nominations for Chair to the Commission. Commissioner Caldwell nominated George Ohrstrom, II to continue serving as Chair, seconded by Commissioner Bouffault. No other nominations were offered. Mr. Stidham closed the floor to nominations.

The Commission voted unanimously to elect George Ohrstrom, II as the Chair of the Planning Commission for 2016.

Yes: Bouffault (seconded), Buckley, Caldwell (moved), Kreider, Kruhm, Lee, Malone, Nelson, Ohrstrom, Turkel

No: No one

Mr. Stidham turned the meeting over to Chair-Elect.

Chair Ohrstrom asked for nominations for Vice Chair to the Commission. Commissioner Bouffault moved to nominate Anne Caldwell to continue serving as Vice Chair, seconded by Commissioner Kruhm. No other nominations were offered. Chair Ohrstrom closed the floor to nominations.

The Commission voted unanimously to elect Commissioner Caldwell as Vice Chair to the Planning Commission for 2016.

Yes: Bouffault (moved), Buckley, Caldwell, Kreider, Kruhm (seconded), Lee, Malone, Nelson, Ohrstrom, Turkel

No: No one

COMMITTEE ASSIGNMENTS FOR 2016

The 2016 committee assignments were approved by consensus.

2016 MEETING SCHEDULE

The Commission voted unanimously to approve the meeting schedule for 2016 as presented.

Yes: Bouffault (moved), Buckley, Caldwell, Kreider, Kruhm, Lee (seconded), Malone, Nelson, Ohrstrom, Turkel

No: No one

2016 By-Laws

The Commission voted unanimously to approve the By-Laws for 2016 as presented.

Yes: Bouffault (moved), Buckley, Caldwell, Kreider, Kruhm, Lee (seconded), Malone, Nelson, Ohrstrom, Turkel

No: No one

2016 Project Priorities

The Commission voted unanimously to amend the 2016 Project Priorities with the removal of Item #10.

Yes: Bouffault (moved), Buckley, Caldwell, Kreider, Kruhm, Lee, Malone (seconded), Nelson, Ohrstrom, Turkel

No: No one

APPROVAL OF AGENDA

The Commission voted unanimously to approve the revised Agenda as presented.

Yes: Bouffault, Buckley, Caldwell, Kreider, Kruhm, Lee (seconded), Malone, Nelson (moved), Ohrstrom, Turkel

No: No one

APPROVAL OF MINUTES

The Commission voted unanimously to approve the briefing meeting minutes of December 1, 2015.

Yes: Bouffault (seconded), Buckley, Caldwell (moved), Kreider, Kruhm, Lee, Malone, Nelson, Ohrstrom, Turkel

No: No one

The Commission voted unanimously to approve the regular meeting minutes of December 4, 2015.

Yes: Bouffault (moved), Buckley, Caldwell, Kreider, Kruhm (seconded), Lee, Malone, Nelson, Ohrstrom, Turkel

No: No one

Set Public Hearing Items

Proposed Text Amendments

a. TA-16-01, Public Outdoor Recreation Facility Lighting

Mr. Stidham explained the proposed text amendment is to amend Section 6-H-11, Outdoor Lighting Standards of the Zoning Ordinance. He said that the purpose of the amendment is to establish a new category for public outdoor recreation facility lighting including new lighting plan submission and design criteria requirements. He stated that the County recently started a project to install new outdoor lighting for ballfields at Chet Hobert Park. He said that during the planning phase of the project the 25 foot maximum mounting height requirement was identified as an impediment to the project. He stated that Staff also determined that the outdoor lighting standards do not include special provisions for outdoor recreational facility lighting. He said this proposed text amendment would establish separate design criteria and plan submission requirements for public outdoor recreational facility lighting to recognize the unique characteristics of this lighting category. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted unanimously to set public hearing for this proposed text amendment for the next regular meeting of the Commission on February 5, 2016.

Yes: Bouffault, Buckley, Caldwell, Kreider, Kruhm, Lee, Malone (moved), Nelson, Ohrstrom, Turkel (seconded)

No: No one

b. TA-16-02, Streambank Protection Regulations

Ms. Teetor explained the proposed text amendment to Section 3-E-1, Flood Plain District (FP), and Section 3-E-5, Stream Protection Overlay District, of the Zoning Ordinance. She stated that this proposed text amendment was developed by Staff at the request of the Commission to clarify and strengthen regulations regarding recreational structures constructed by property owners along the Shenandoah River and the County's other perennial streams. Ms. Teetor stated that Commissioner Malone mentioned to her that she would like to see some of these issues along the river. She said that if anyone else on the Commission would like to see these areas along the river and also in the mountain to see some of the clearing issues in the FOC District we could arrange to have a field trip. She stated that she will try to arrange this for some time before the next meeting. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Commission voted unanimously to set public hearing for this proposed text amendment for the next regular meeting of the Commission on February 5, 2016.

Yes: Bouffault, Buckley, Caldwell, Kreider (moved), Kruhm (seconded), Lee, Malone, Nelson, Ohrstrom, Turkel

No: No one

Public Hearing Items

Proposed Text Amendments

a. TA-15-04, Board of Zoning Appeals – Code of Virginia Amendments. Proposed text amendment to amend Article 7 (Appeals, Variances, Interpretations, and Modifications) of the Zoning Ordinance. The purpose of the amendment is to implement new and amend current requirements regarding the administrative procedures and standard of review for variances and appeals by the Board of Zoning Appeals (BZA) in order to comply with recent amendments to the Code of Virginia.

Mr. Stidham explained the proposed text amendment to amend Article 7 (Appeals, Variances, Interpretations and Modifications) of the Zoning Ordinance. He stated that Staff proposed this amendment to address changes to the Code of Virginia that were adopted by the General Assembly during their 2015 session regarding administrative procedures and the standard of review for variances and appeals by boards of zoning appeals. After discussion with Staff and the Commission, Chair Ohrstrom opened the public hearing.

There being no public comments, Chair Ohrstrom closed the public hearing and called for a motion.

The Commission voted unanimously to recommend adoption of this proposed text amendment to the Board of Supervisors.

Yes: Bouffault (seconded), Buckley, Caldwell (moved), Kreider, Kruhm, Lee, Malone, Nelson, Ohrstrom, Turkel

No: No one

Subdivision Ordinance

- Article 4 (Procedure for Subdivision Approval) – Adding a new Subsection N, Applications for Subdivisions in the Forestal-Open Space-Conservation (FOC) District, to create subdivision regulations specific to the FOC District.

Zoning Ordinance

- §3-A-2-b, Lot Requirements (FOC District) -- Limits area reductions of a residual open space parcel to a maximum of 10% of the total parcel area and prohibits the dwelling unit right from being transferred.
- §3-A-2-f, Vegetated Property Buffers and Clearing Limits (FOC District) – Clarifies and strengthens existing requirements including applying such restrictions to vacant parcels created on or before the established effective dates and removes the requirement that a Planning Commissioner grant written approval of buffer clearing under limited circumstances in conjunction with the Zoning Administrator.
- §3-A-1-f, Vegetated Property Buffer (AOC District) -- Removes the requirement that a Planning Commissioner grant written approval of buffer clearing under limited circumstances in the AOC District in conjunction with the Zoning Administrator.

- §3-C-2-k, Forestry Uses & Structures -- Eliminates time-based restrictions on the filing of a subdivision application before or after a timber harvest and on the filing of a Pre-Harvest Plan after approval of a subdivision plan.
- §3-C-2-y, Propane Tanks -- Allows screening to be used as an alternative to underground installation of propane tanks 500 gallons or larger in all zoning districts.
- Article 9, Definitions – Adds new definitions for “clear cut” and “no-clear area.”

Mr. Stidham explained the proposed text amendment to amend sections of the Zoning and Subdivision Ordinances. He stated that the purpose of the proposed text amendments to the Zoning & Subdivision Ordinance is to strengthen and clarify existing regulations regarding subdivision and development of lands in the FOC District. He said that the proposed text amendments were prepared in conjunction with the Planning Commission’s Policy Committee and has been reviewed by the County Attorney. After discussion with Staff and the Commission, Chair Ohrstrom opened the public hearing.

There being no public comments, Chair Ohrstrom closed the public hearing and called for a motion.

The Commission voted unanimously to recommend adoption of this proposed text amendment to the Board of Supervisors.

Yes: Bouffault (moved), Buckley, Caldwell, Kreider, Kruhm, Lee, Malone (seconded), Nelson, Ohrstrom, Turkel

No: No one

Agricultural & Forestal District Six-Year Review. Public Hearing to consider the renewal of the Clarke County Agricultural & Forestal District. The District helps to protect the community’s rural character by facilitating the preservation agricultural, forestal, and open space land. The current six-year term of the District expires March 16, 2016. A new six-year term is proposed for the District.

Mr. Stidham stated that the Code of Virginia requires that the AFD Advisory Committee, Planning Commission and Board of Supervisors review the District including any applications to add new land to the District. He said that the Planning Commission is responsible for holding a Public Hearing on the renewal of the District for an additional term and the inclusion of any new properties to the District. After discussion with Staff and the Commission, Chair Ohrstrom asked for public comments.

There being no public comments, Chair Ohrstrom called for a motion.

The Commission voted unanimously to recommend renewal of the Clarke County Agricultural & Forestal District for an additional six-year term including approval of the Sheehey-Jones property, 22.64 acres located at Tax Map #29-A-35A, for inclusion in the District.

Yes: Bouffault (seconded), Buckley, Caldwell, Kreider, Kruhm, Lee, Malone, Nelson, Ohrstrom, Turkel (moved)

No: No one

The Commission voted unanimously to recommend adoption of the proposed text amendment to County Code Chapter 48, Agricultural & Forestal District, as presented by Staff.

Yes: Bouffault (moved), Buckley (seconded), Caldwell, Kreider, Kruhm, Lee, Malone, Nelson, Ohrstrom, Turkel

No: No one

Board/Committee Reports

Board of Supervisors

No report.

Sanitary Authority

No report.

Board of Septic & Well Appeals

Chair Ohrstrom stated that the BSA is having a public hearing for a well variance following this meeting.

Board of Zoning Appeals (Anne Caldwell)

No report.

Historic Preservation Commission (Doug Kruhm)

No report.

Conservation Easement Authority (George Ohrstrom, II)

Chair Ohrstrom stated that the CEA organizational meeting is scheduled for January 21st and that he will report back on what takes place at the next Commission meeting on February 5th.

Adjourn

Mr. Stidham stated this meeting should be recessed to a meeting prior to the February 2, 2016 Planning Commission Briefing meeting in order to conduct site visits pertaining to pending text amendments. After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Planning Commission voted unanimously to recess this meeting to a meeting prior to the February 2, 2016 Briefing meeting in order to conduct site visits pertaining to pending text amendments.

Yes: Bouffault (moved), Buckley, Caldwell, Kreider, Kruhm, Lee, Malone (seconded), Nelson, Ohrstrom, Turkel

No: No one



George L. Ohrstrom, II, Chair



Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary